



## DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 4.7.12	Subject: <b>PRISON DIVERSION PROGRAMS</b>
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 4
Section 7: Releases/Placement	Revision Date:
Signature: /s/ Bill Slaughter	Effective Date: January 31, 2002

### **I. POLICY:**

It is the policy of the Department of Corrections to respond with appropriate sanctions when offenders have violated the conditions of their community supervision or placement.

### **II. IMPLEMENTATION:**

This policy will be implemented upon the effective date.

### **III. AUTHORITY:**

2-15-112, MCA. Duties and Powers of Department Heads  
46-23-1002, MCA. Powers of the Department  
46-23-1004, MCA. Duties of Department  
46-23-1011, MCA. Supervision on probation  
46-23-1012, MCA. Arrest when violation of probation alleged  
46-23-1015, MCA. Informal probation violation intervention hearing  
46-23-1021, MCA. Supervision on parole  
46-23-1023, MCA. Arrest of alleged parole violator  
46-23-1024, MCA. Initial hearing after arrest  
53-1-203, MCA. Powers and Duties of Department of Corrections  
53-30-403, MCA. Boot Camp Incarceration Program  
61-8-731, MCA. DUI Felony  
DOC 1.5.1, Adult Offender Good Time Allowance

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#### IV. DEFINITIONS:

**Intervention Hearing** means an informal administrative hearing performed by a Probation and Parole Regional Administrator, or a Parole Officer II, at the request of the Probation and Parole supervising officer.

**Prison Diversion Programs** means Connections Corrections, Intensive Supervision Program (ISP), jail sanctions, home arrest, pre-release center, WATCH Program (DUI facility), or boot camp (TSCTC/ICP).

**Sanction** means any consequence, or combination of consequences, listed for the respective violation.

#### V. PROCEDURES:

##### A. Intervention Hearings for Probation and Parole or Intensive Supervision Program Offenders:

1. The Community Corrections Division will utilize intervention hearings to determine if an offender is not in compliance with Probation and Parole or Intensive Supervision Program conditions.
2. If it is determined that the offender is not in compliance, the following sanctions may be imposed:
  - verbal warning
  - contract for treatment
  - increased supervision
  - jail sanction of up to 30 days at own expense
  - community service
  - electronic monitoring/home arrest
  - increase UA testing at own expense
  - referral to a relapse group

##### B. On-Site Hearing for Parole Violators:

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1. The Community Corrections Division will utilize on-site hearings to determine if a parolee has violated the terms of parole.
2. If probable cause is found to substantiate that a parolee has violated conditions of parole, alternatives to imprisonment must be considered, and when appropriate, recommended to the Board of Pardons and Parole.
3. In addition to the sanctions listed in Intervention Hearings above, the following additional sanctions may be imposed:
  - referral to Connections Corrections program
  - detention in pre-release for 24-48 hours
  - Intensive Supervision Program (ISP)
  - boot camp (TSCTC or ICP)
  - referral to a pre-release center
  - the forfeiture of good time, in accordance with Department Policy 1.5.1, Adult Offender Good Time Allowance.

C. Disciplinary Hearings for Offenders in a Community Corrections Program/Facility:

1. The Community Corrections Division will utilize disciplinary hearings for offenders in the Intensive Supervision Program, Pre-release Centers, boot camps, Connections Corrections or other Community Corrections Division programs or facilities.
2. If it is determined that the offender is guilty of a misconduct infraction, the sanctions within this policy may be imposed to divert a return to Montana Women's Prison or Montana State Prison.

**VI. CLOSING:**

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Questions concerning this policy should be directed to the Adult Probation and Parole Bureau Chief or to the Adult Community Corrections Division Administrator.